



US Army Corps
of Engineers®

Nashville District

Public Notice

Public Notice No. 06-13

Date: February 7, 2006

Application No. 970011920

Expires: March 7, 2006

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch (Attn: Ms. Lisa Morris)
3701 Bell Road, Nashville, TN 37214; Telephone 615/369-7504; Fax 615/369-7501

JOINT PUBLIC NOTICE US ARMY CORPS OF ENGINEERS TENNESSEE VALLEY AUTHORITY STATE OF ALABAMA

SUBJECT: Proposed Expansion of Rock-Filled Barge Loading Dock at Tennessee River Mile 247.5, Left Bank, Colbert County, Alabama

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit (DA) pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)** and Tennessee Valley Authority (TVA) approval pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the Alabama Department of Environmental Management (ADEM), pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Black Eagle Minerals
18055 Highway 72
Tuscumbia, Alabama 35674

LOCATION: Tennessee River Mile 247.5, Left Bank, Pickwick Lake, Colbert County, Alabama. USGS Map: Pride, AL; lat 34-43-45, lon 87-48-30.

BACKGROUND: Over the years, several DA permits have been issued at this terminal (aka Pride Transloader) for a conveyor loader, mooring cells, a rock-filled dock and storage area on the *upstream* side of the loader (described below), and dredging activities. The terminal is authorized to load coal, steel, fertilizer, and rock (mined onsite – Vulcan Quarry) onto barges directly from trucks. At this time, Black Eagle Minerals is requesting to construct a rock-filled dock on the *downstream* side of the loader.

Existing fill located *upstream*, east of the existing conveyor loader: In 1998, Black Eagle Minerals constructed (1) a 100' x 90' rock-filled, barge loading dock fixed to two existing mooring cells. The purpose of the work was to provide a solid truck ramp for the barge loading. In 1999, the dock was extended (2) 100' x 190' behind the existing dock

and a 234' x 155' east of the existing dock. The purpose of the work was to provide greater area for the trucks to maneuver and for rock storage in preparation for barge loading. In 2000, the dock was extended (3) 180' x 240' in the easterly direction, an additional cell was installed, and sheet piling was driven to provide a dock face. In 2002, the dock was extended (4) 90' x 245'. In 2004, (5) a 100' x 245' section was added. The dock face is filled to Elevation 423. The terminal can handle up to 12 barges (4 long X 3 wide) at one time.

DESCRIPTION OF PROPOSED WORK: At this time, Black Eagle Minerals proposes to extend the dock on the *downstream*, west side of the conveyor loader. A triangle-shaped area, 250' x 140', would be constructed. Riprap rock would be placed along the front of the area, starting at the conveyor belt and extending 250' towards the bank. Then crushed stone would fill the area to top Elevation 423. Approximately 11,800 cubic yards of fill material would be required, of which about half would be below the summer pool contour, Elevation 414. Barge mooring capacity would not increase. The purpose of this fill is to provide more storage areas for rock before it is loaded into barges. The proposed dock would not extend lakeward of the existing mooring cell line. Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact

Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time. In 1998, TVA divers conducted a survey of mussel resources in the areas proposed for fill. The results of the survey are on file and available for review by contacting this office. Those findings reported that the clay and silt substrate, which would be covered by this project, is, at best, marginal habitat for most native mollusks. A few native mussels, some snails, and Asiatic clams present inshore of the mooring cells were destroyed when the previous areas were blocked off and filled.

In addition to the DA, TVA, and state permits, other federal, state, and/or local approvals may be required for the proposed work. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a public hearing.

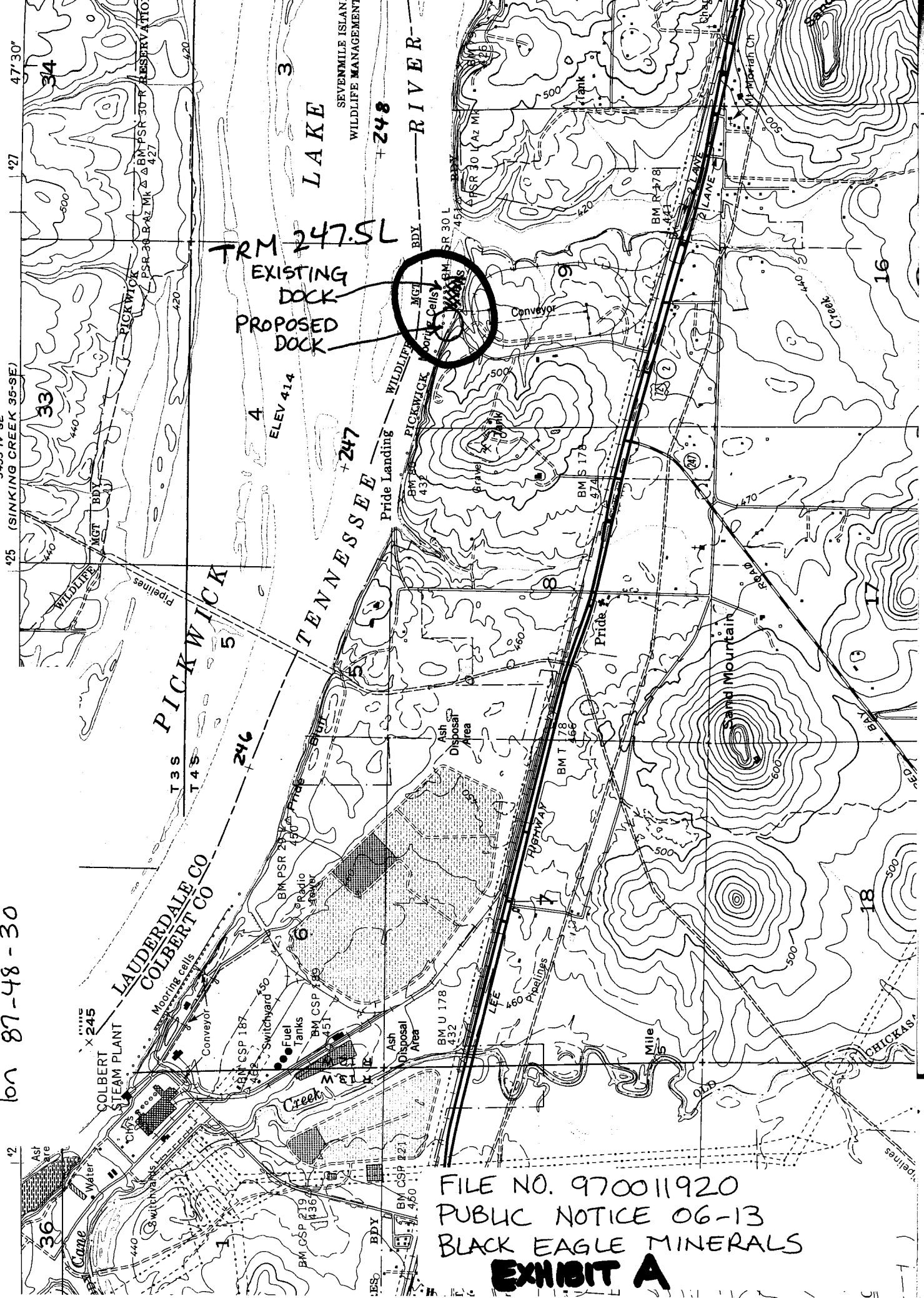
Written statements received in this office on or before March 7, 2006, become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Ms. Lisa R. Morris, at the above address, telephone (615) 369-7504. It is not necessary to comment separately to TVA or the state, since copies of all comments will be sent to those agencies and will become part of their record on the proposal. Point of contact at TVA is Kenley Austin, telephone (256) 386-3456. Point of contact with ADEM is Tonya Mayberry, (334) 394-4307.

PRIDE AL USGS MAP

lat 34-43-45
lon 87-48-30

UNITED STATES
TENNESSEE VALLEY AUTHORITY
MAPS AND SURVEYS DEPARTMENT

ERIOR



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BLACK EAGLE MINERALS
EXHIBIT A

87° 45'

87° 46'

87° 47'

87° 48'

87° 49'

Smith Bottom:

EXHIBIT B NAVIGATION CHART NO. 37

PN 06-13

File No. 270011920

MURPHY OIL COMPANY, USA

BLACK EAGLE MINERALS LLC

GOLDKIST POULTRY DIVISION

ALABAMA
LAUDERDALE COUNTY

COLBERT COUNTY

TENNESSEE

Scale 1 in

1/2 0

PROJECT POOL PICKWICK LAKE EL

NOTE:

The prepared channel between Mile 252.5 and 254.0 has a depth of 11' at Pool Elevation 408.0.

87° 45'

87° 46'

87° 47'

87° 48'

87° 49'

BLACK EAGLE
SITE MINERALS

CELLS →

PREVIOUS
FILL
EXISTING
DOCK

EXISTING
CONVEYOR →

PROPOSED FILL
SITE →

→ RIPRAP

100 YEAR FLOOD LINE (TYP)
(APPROX. ELEV 418)

IPF
CAPPED REBAR
(WISER COMPANY)

CONCRETE
MONUMENT
TVA NO. 25

CONVEYOR

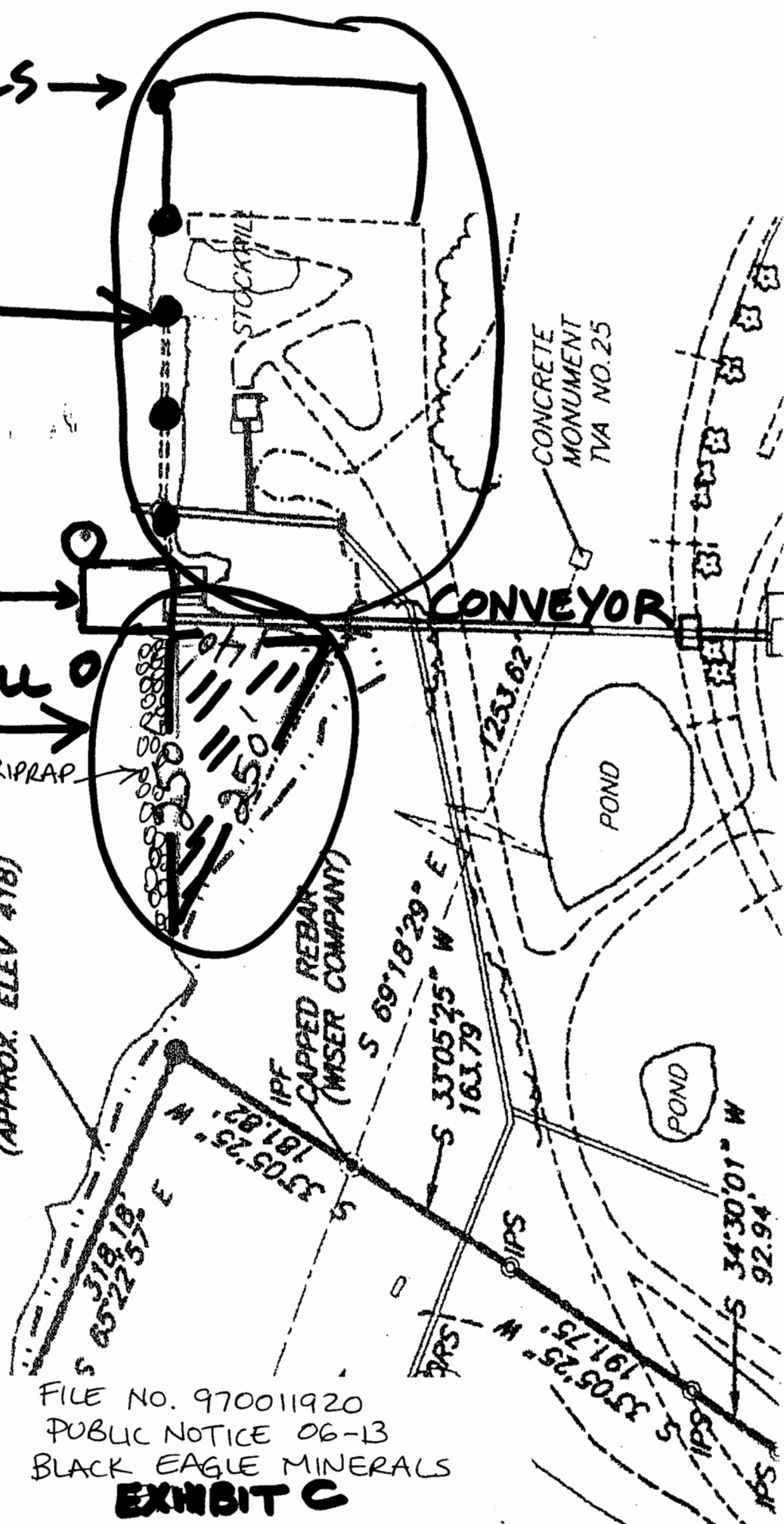
POND

POND

TOP VIEW

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EXHIBIT C



250' ACROSS
SEE TOP VIEW
EXHIBIT C

K 140'

12' CRUSHED STONE

EL 425 — 500 YR FLOOD —

EL 423.8 — 100 YR FLOOD —

EL 423 —

EL 414 —
SUMMER POOL

EL 408 —
WINTER POOL

423 414


5,900 cy Fill
414 414 414

— EL 400 BEDROCK

CROSS SECTION

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BLACK EAGLE MINERALS

EXHIBIT D

 Forsythe & Long Engineering Inc. 4560 FELTON DRIVE FLORENCE, AL 36630 PHONE (256) 766-7113		DRAWN CHECKED PROJ. MGR.	DATE 04/08/04 DRAWN BY MT. SCALE	JOB NO. 135-038 DRAWING NO. S1
PROJECT BLACK EAGLE		DRAWING TITLE		